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2
3 Roger D. Ling, ISB No. 1018
4 Michael P. Tribe, ISB No. 6816
5 LING, ROBINSON & WALKER
6 Attorneys at Law
7 615 H Street
8 P. O. Box 396
9 Rupert, Idaho 83350
10 Telephone (208) 436-4717
11 Facsimile (208) 436-6804

12 Attorneys for Claimant,
13 A & B Irrigation District

14
15 **BEFORE THE DEPARTMENT OF WATER RESOURCES**
16
17 **OF THE STATE OF IDAHO**

18 IN THE MATTER OF DISTRIBUTION OF)
19 WATER TO VARIOUS WATER RIGHTS)
20 HELD BY OR FOR THE BENEFIT OF A&B)
21 IRRIGATION DISTRICT, AMERICAN)
22 FALLS RESERVOIR DISTRICT #2,)
23 BURLEY IRRIGATION DISTRICT, MILNER)
24 IRRIGATION DISTRICT, MINIDOKA)
25 IRRIGATION DISTRICT, NORTH SIDE)
26 CANAL COMPANY, AND TWIN FALLS)
27 CANAL COMPANY)
28

**MOTION FOR EXTENSION OF TIME
TO FILE MITIGATION PLAN**

29 COMES NOW A & B Irrigation District, claimant and beneficial right holder of
30 Water Right Nos. 36-15127B, 36-15193B, 36-15194B, 36-15195B, and 36-15196B, now on
31 appeal to the Idaho Supreme Court, and moves for an Order that the deadline for filing a
32 mitigation plan on or before April 29, 2005, as contained in the Order in this matter dated April
33 19, 2005, be vacated and that the time for filing a mitigation plan by the undersigned be extended

34 MOTION FOR EXTENSION OF TIME TO FILE MITIGATION PLAN - 1

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0395

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3 on the grounds and for the reasons that neither A & B Irrigation District nor the Bureau of
4 Reclamation, United States Department of the Interior, received notice from the Watermaster of
5 Water District No. 130 that the above water rights would be curtailed if replacement water was
6 not provided and an approved mitigation plan submitted to IDWR no later than April 29, 2005,
7 and that after numerous inquiries, a copy of the letter of curtailment from the Watermaster of
8 Water District 130 was obtained on April 29, 2005 from the Bureau of Reclamation, which
9 shows that said letter was addressed to the United States of America, acting through the United
10 States Department of Interior, Bureau of Land Management, and that said letter identifies five (5)
11 water rights of A & B Irrigation District, four (4) water rights recommended in the name of the
12 Bureau of Land Management, and one (1) water right recommended in the name of an individual
13 for the irrigation of land outside the boundaries of A & B Irrigation District, and said A & B
14 Irrigation District has not had sufficient time to make further inquiries to adequately prepare its
15 own mitigation plan containing curtailment, conversion of water sources and other acts which
16 will fully mitigate any depletions under the above-mentioned five (5) water rights.
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19 DATED this 29th day of April, 2005.

20 LING, ROBINSON & WALKER

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22 By: Michael P. Tibe for:
23 Roger D. Ling
24 Attorney for A & B Irrigation District
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MOTION FOR EXTENSION OF TIME TO FILE MITIGATION PLAN - 2

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of April, 2005, I served copies of the foregoing *Motion for Extension of Time to File Mitigation Plan* upon:

John K. Simpson
Barker, Rosholt & Simpson
P. O. Box 2139
Boise, Idaho 83701-2139

Gail McGarry PN-3100
U. S. Bureau of Reclamation
1140 N. Curtis Road
Boise, Idaho 83706-1234

C. Tom Arkoosh
Arkoosh Law Offices
P. O. Box 32
Gooding, Idaho 83330

Scott Campbell
Moffatt Thomas
P. O. Box 829
Boise, Idaho 83701

W. Kent Fletcher
Fletcher Law Office
P. O. Box 248
Burley, Idaho 83318

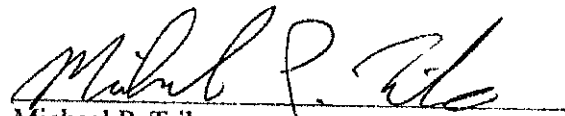
IDWR – Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley, LLP
P. O. Box 2720
Boise, Idaho 83701-2720

IDWR – Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Kathleen Marion Carr
Office of the Field Solicitor
550 W. Forth Street, MSC 020
Boise, Idaho 83724

by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the foregoing addresses.


Michael P. Tribe